

## **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1-22 and 24-31 remain in the application. Claims 6-8, 16, 17, 23, 24, 29 and 30 have been indicated as including allowable subject matter. Claims 1, 11 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,502,294 to Kusmierczyk et al. (hereinafter Kusmierczyk) in view of U.S. Published Application 2005/0273191 to Englhardt et al. (hereinafter Englhardt '191). For the following reasons, the Examiner's rejection is traversed.

Englhardt '191 was published on December 8, 2005 and is a continuation-in-part of U.S. Application 10/764,620, filed on January 26, 2004. Englhardt '191 claims priority to U.S. Provisional Application 60/578,792, filed on June 10, 2004. U.S. Application 10/764,620 claims priority to U.S. Provisional Application 60/443,001, filed January 27, 2003.

Under 35 U.S.C. 102(e), the earliest effective reference date for Englhardt '191 is January 27, 2003. However, this effective reference date only applies when support is provided, as required by 35 U.S.C. 112, for Englhardt '191, through the chain of intermediate references, to the application providing the effective reference date. Specifically, U.S. Provisional Application 60/443,001 must support U.S. Application 10/764,620 and U.S. Application 10/764,620 must support Englhardt

'191.

With regard to claims 1, 11 and 13, the Examiner states that Kusmierczyk fails to disclose a method step, as required, wherein a second signal is generated, indicating that a selected workpiece is ready to be transported to an output area. The Examiner states that Englhardt '191 discloses that if no error conditions are found on substrates, a transport system returns a carrier to either a subsequent tool or stocker, referring to paragraph [0090] and Fig. 4 of Englhardt '191. However, this function described by Englhardt '191 is not supported by figures or text within either U.S. Application 10/764,620 or U.S. Provisional Application 60/443,001. Because support is not provided, specifically by U.S. Provisional Application 60/443,001, Englhardt '191 does not have an effective reference date, under 35 U.S.C. 102(e), that is prior to the Application date of present application, July 3, 2003. Thus, the Examiner's rejection is not proper in that it uses a reference that is not prior art. Reconsideration and withdrawal of the rejection of claims 1, 11 and 13 is respectfully requested.

Claims 2-5, and 9-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kusmierczyk and Englhardt '191, further in view of U.S. Patent 6,324,749 to Katsuura et al. (Katsuura). Claims 2-5 and 9-10 depend directly or indirectly from claim 1. The Examiner states that the combination of Kusmierczyk and Englhardt '191 discloses the limitations of claim 1. However, for the reasons stated above, Englhardt is not a prior art reference with regard to claim 1. Thus, the combination of Kusmierczyk and Englhardt '191 is improper. Reconsideration and withdrawal of the rejection of dependent claims 2-5 and 9-10 is respectfully requested.

Claims 12, 14 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kusmierczyk and Englhardt '191, further in view of U.S. Patent 5,193,662 to McCulloch (hereinafter McCulloch).

Claims 12 depends directly from claim 1. The Examiner states that the combination of Kusmierczyk and Englhardt '191 disclose the limitations of claim 1. However, for the reasons stated above, Englhardt '191 is not a prior art reference with regard to claim 1. Thus, the combination of Kusmierczyk and Englhardt '191 is improper. Reconsideration and withdrawal of the rejection of dependent claim 12 is respectfully requested.

Regarding claim 21, the Examiner states that the same citations as applied to claim 1 apply as well for claim 21. However, as described above with regard to claim 1, the citations Kusmierczyk and Englhardt '191 are not properly combinable. The citations are not combinable with regard to claim 21, as well. Reconsideration and withdrawal of the rejection of claim 21 is respectfully requested.

Regarding claim 14, the Examiner only appears to combine the teachings of Kusmierczyk and McCulloch in order to state that the claimed invention is unpatentable. However, even if the Kusmierczyk and McCulloch references were combined in the manner proposed by the Examiner, the claimed invention would not result.

Kusmierczyk is directed to a transfer line workpiece inspection apparatus and method. The apparatus includes a plurality of different kinds of machining units disposed at respective machining stations along a transfer path. A workpiece transporter moves workpieces along the transfer path to position each of the workpieces at each of the machining stations and allows each of the machining units

to machine each of the workpieces as the workpieces move along the transfer path. A controller connected to the machining units responds to an inspection command by causing all machining units downstream from a designated machining unit along the transfer path to allow a workpiece selected for inspection to pass by without being machined by the downstream units.

McCulloch is directed to a guide structure for a lift and carry conveyor system. The system uses fixed guide rails which guide lower portions of a part as the part moves between sequential conveyor sections. The guide rails ensure that the part continues to be properly guided as it moves between the sequential stations, or between a workstation and a conveyor section.

Even if the references were combined in the manner proposed by the Examiner, the claimed invention would not result. The proposed combination does not teach or suggest moving a first workpiece from a first workstation directly to a quality control station using an autoloader and moving a second workpiece from an input area directly to a second workstation using an autoloader, as required. Rather, Kusmierczyk teaches manually moving a workpiece to an area for inspection, only after the workpiece has passed through the remaining workstations on an assembly line. Further, Kusmierczyk does not teach or suggest the direct movement of workpieces from an input area to a second workstation. Kusmierczyk only teaches the sequential movement of workpieces from an input area to first workstation, first workstation to a second workstation, etc. McCulloch does nothing to cure the deficiencies of Kusmierczyk. McCulloch teaches a lift and carry conveyor system with an improved structure, but teaches nothing regarding transfer methods, especially methods including an inspection process. Thus, neither Kusmierczyk,

McCulloch, nor the combination thereof teaches all of the features of claim 14.

Reconsideration and withdrawal of the rejection of claim 14 is respectfully requested.

Claims 15, 18-20, 22 25-28 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kusmierczyk, Enghardt '191 and McCulloch as applied to claims 14 and 21 and further in view of U.S. Patent 6, 324,749 to Katsuura et al (hereinafter Katsuura).

Claims 15 and 18-20 depend directly from claim 14. The Examiner proposed that a combination of Kusmierczyk and McCulloch would render claim 14 unpatentable. As described above, even if the Kusmierczyk and McCulloch references were combined as proposed by the Examiner, the claimed invention would not result. And even if the Katsuura reference is added to the combination, the claimed invention would not result.

The proposed combination does not teach or suggest moving a first workpiece from a first workstation directly to a quality control station using an auto loader and moving a second workpiece from an input area directly to a second workstation using an autoloader, as required. Rather, Kusmierczyk teaches manually moving a workpiece to an area for inspection and only after the workpiece has passed through the remaining workstations on an assembly line. Further, Kusmierczyk does not teach or suggest the direct movement of workpieces from an input area to a second workstation. Kusmierczyk only teaches the sequential movement of workpieces from an input area to first workstation, first workstation to a second workstation, etc. McCulloch does nothing to cure the deficiencies of Kusmierczyk. McCulloch teaches a lift and carry conveyor system with an improved structure, but teaches nothing regarding transfer methods, especially methods

including an inspection process. Katsuura does not cure all of the deficiencies of Kusmierczyk and McCulloch. Katsuura teaches sequential movement of workpieces along an assembly line, but not movement from an input area directly to a second workstation. Thus, Kusmierczyk, McCulloch, Katsuura, alone or in combination, do not teach all of the features of claim 15 and 18-20. Reconsideration and withdrawal of the rejection of claims 15 and 18-20 is respectfully requested.

Claims 22 and 25 depend directly from claim 21. As previously stated when discussing claim 21, the Kusmierczyk and Enghardt '191 references are not properly combinable, thus, use of the Enghardt '191 reference is not proper for rejecting dependent claims 22 and 25. Reconsideration and withdrawal of the rejection of dependent claims 22 and 25 is respectfully requested.

Regarding independent claim 26 and dependent claims 27-28 and 31, the Examiner states that the same citations applied to claims 1-2, 14, 19, 21, previously stated, apply. As previously stated, with regard to claims 1 and 21, the combination of Enghardt '191 with the other cited references is not proper.

Further, claim 26 describes the function of an autoloader, which can transport parts directly from location to location, for example from a workstation to a quality control station. Even if the Kusmierczyk, McCulloch and Katsuura references were combined, without Enghardt '191, in the manner proposed by the Examiner, the claimed invention would not result. The proposed combination does not teach or suggest moving a first workpiece from a first workstation directly to a quality control station using an autoloader and moving the selected workpiece from the quality control station directly to an output area using an autoloader and moving the selected workpiece from the output area directly to a second input area in a second

zone, as required. Rather, Kusmierczyk discloses a method of inspection where after receiving an inspection command, the workpiece is passed through a series of workstations to an inspection station at the end of an assembly line and inspected. Katsuura teaches only movement of a workpiece from a first section to a second section through both an inspection station and a repair station. McCulloch does nothing to cure the deficiencies of Kusmierczyk and Katsuura. McCulloch teaches a lift and carry conveyor system with an improved structure, but teaches nothing regarding transfer methods. Neither of the cited references, alone or in combination, teach direct movement from a first workstation to a quality control station and then to a second input area in a second zone. Neither of the cited references teach the function of the claimed autoloader. Thus, reconsideration and withdrawal of the rejection of claim 26 is respectfully requested.

Claims 27, 28 and 31 depend directly from claim 26 which is believed to be allowable for the reasons stated above. Reconsideration and withdrawal of the rejection of claim 27, 28 and 31 is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. HON-14853.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By /jab/  
James A. Balazs, Reg. No. 47401

4080 Erie Street  
Willoughby, Ohio 44094-7836  
(216) 566-9700

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